

2003—Subsec. (a). Pub. L. 108-136, §516(a), substituted “(a) RELIEF REQUIRED.—(1) Except as provided in paragraph (2), each” for “(a) Each” and added par. (2).

Subsec. (b). Pub. L. 108-136, §516(b), inserted heading. 1988—Subsec. (a). Pub. L. 100-456 struck out “, the Canal Zone,” after “Puerto Rico”.

NATIONAL GUARD SUPPORT FOR 2004 DEMOCRATIC AND REPUBLICAN NATIONAL CONVENTIONS AND OTHER APPROPRIATE EVENTS

Memorandum of President of the United States, July 23, 2004, 69 F.R. 46397, provided:

Memorandum for the Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority of the President contained in section 325 of title 32, United States Code, with respect to activities related to the 2004 Democratic and Republican National Conventions, and other appropriate events as you determine from time to time in consultation with the Assistant to the President for Homeland Security.

You are further authorized and directed to make necessary arrangements to fund this activity from the proper appropriations and to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 326. Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures

In the National Guard not in Federal service, there are general, special, and summary courts-martial constituted like similar courts of the Army and the Air Force. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures, provided for those courts. Punishments shall be as provided by the laws of the respective States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608; Pub. L. 107-314, div. A, title V, §512(a), Dec. 2, 2002, 116 Stat. 2537; Pub. L. 109-163, div. A, title X, §1057(b)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 326 | 32:91. | June 3, 1916, ch. 134, §102, 39 Stat. 208. |

The words “not in Federal service” are substituted for the words “Except in organizations in the service of the United States”. The words “have the jurisdiction and powers” are substituted for the words “and have cognizance of the same subjects, and possess like powers”. The words “of three kinds, namely”, “provided for by the laws and regulations governing”, “proceedings of courts-martial of the National Guard”, and “modes of” are omitted as surplusage.

AMENDMENTS

2006—Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

2002—Pub. L. 107-314 inserted at end “Punishments shall be as provided by the laws of the respective States and Territories, Puerto Rico, and the District of Columbia.”

§ 327. Courts-martial of National Guard not in Federal service: convening authority

(a) In the National Guard not in Federal service, general, special, and summary courts-mar-

tial may be convened as provided by the laws of the respective States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(b) In the National Guard not in Federal service—

(1) general courts-martial may be convened by the President;

(2) special courts-martial may be convened—

(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where members of the National Guard are on duty; or

(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command; and

(3) summary courts-martial may be convened—

(A) by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where members of the National Guard are on duty; or

(B) by the commanding officer of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment.

(c) The convening authorities provided under subsection (b) are in addition to the convening authorities provided under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 608; Pub. L. 100-456, div. A, title XII, §1234(b)(4), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 107-314, div. A, title V, §512(b), Dec. 2, 2002, 116 Stat. 2537; Pub. L. 109-163, div. A, title X, §1057(b)(7), Jan. 6, 2006, 119 Stat. 3442.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------------|--|
| 327(a) | 32:92 (1st 46 words). | June 3, 1916, ch. 134, §103, 39 Stat. 208. |
| 327(b) | 32:92 (less 1st 46 words). | |

In subsection (a), the words “Federal service” are substituted for the words “service of the United States”.

In subsection (b), the words “A general court-martial may sentence to—” are substituted for the words “and such courts shall have the power to impose * * * to sentence”. The words “any combination of these punishments” are substituted for the words “or any two or more of such punishments may be combined in the sentences imposed by such courts”.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands” for “States and Territories, Puerto Rico, and the District of Columbia”.

2002—Pub. L. 107-314 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) In the National Guard not in Federal service, general courts-martial may be convened by the President or by the governor of a State or Territory or Puerto Rico or by the commanding general of the National Guard of the District of Columbia.

“(b) A general court-martial may sentence to—

“(1) a fine of not more than \$200;

“(2) forfeiture of pay and allowances;

“(3) a reprimand;

“(4) dismissal or dishonorable discharge;